THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, 24th day of October,2007

W.P.No.1022 of 1999

Between:-

The Depot Manager, APSRTC,
Tandur Depot, Ranga Reddy
District … Petitioner

and

The Industrial Tribunal-cum-Labour
Court-III, Hyderabad and another … Respondents

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ORAL ORDER:

This Writ Petition is filed challenging the Award dated 18-12-1996 passed in I.D.No.110 of 1995 on the file of Labour Court-III, Hyderabad.

Petitioner is the Management. Respondent No.2 is the workman.

Respondent No.2-workman filed a claim petition under Section 2-A(2) of the Industrial Disputes Act,1947 (for short 'the Act') aggrieved by the Order of removal from service dated 18-7-1994 passed by the Divisional Manager, A.P. State Road Transport Corporation, Ranga Reddy Division. It was the case of the workman before the Labour Court that on 16-9-1993 while he was conducting the bus on route Tandur Kukkainada-Vikarabad, a check was exercised at stage No.40/6 and the officials found certain cash and ticket irregularities. Thereafter, he was issued with a charge sheet enumerating the following charges:

> "Charge No.1:- For having failed to observe the rule 'Issue & Start'
>
> Charge No.2:- For having failed to collect the fare and issue ticket to a lady passenger found lighting without ticket, who boarded the bus at Kukkainada stage No.41 and alighting at Dharoor stage No.40/6.
>
> Charge No.3:- For having closed the Tray Nos. in S.R. upto stage No.40/6 without completing the above ticket issues."

Respondent No.2-workman submitted a detailed explanation; but having not satisfied with the same, the Management has passed an

order of removal from service. Ultimately, 2nd respondent raised an industrial dispute stating that the enquiry was not properly conducted and there was no evidence to prove the charges. Further, the punishment of removal from service is disproportionate to that of the misconduct alleged against him. The Management filed a detailed counter stating that during checking of the bus, the officials found certain cash and ticket irregularities and in the domestic enquiry, the charges were proved; therefore, the workman was removed from service. No oral evidence was adduced by either side; but, the Management got marked Exs.M1 to M24. After a detailed consideration of the entire evidence placed before it, the Labour Court came to the conclusion that the statements of the passengers themselves would clearly go to show that the passengers had not paid requisite fare and the 2nd respondent failed to issue the tickets. The statements of the passengers cannot be discredited. Therefore, it was established that the workman had not received fare and not issued the tickets. Under those circumstances, the Labour Court found that the punishment of removal from service is disproportionate to that of the misconduct alleged against the workman and while exercising its powers under Section 11-A of the Act directed reinstatement with continuity of service and attendant benefits, but without any back wages. Challenging the said Order, the Management filed the present Writ Petition.

Heard both sides.

After perusing the entire material on record, I am of the opinion that the charges themselves show that the workman failed to collect fare and issue ticket to a lady passenger found alighting without ticket, who boarded the bus at stage No.41 and alighting at Stage No.40/6. Thus, the distance between stage No.41, the place of alighting of the

lady passenger also seems to be very short. There was no charge that the workman had *mala fide* intention to defraud the revenues of the Corporation. There were certainly some procedural lapses on the part of the workman and, therefore, the Labour Court rightly denied back wages while ordering reinstatement with continuity of service and attendant benefits. I am of the view that the Labour Court has not committed any error calling for interference of this Court under Article 226 of the Constitution of India. The Writ Petition is devoid of any merit and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

24-10-2007

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